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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

TOMAS JAIME,

Defendant and Appellant.

B265483

(Los Angeles County
Super. Ct. No. KA104062)

APPEAL from a judgment of the Superior Court of Los Angeles County, George Genesta, Judge. Affirmed.

Heather E. Shallenberger, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

FACTUAL AND PROCEDURAL BACKGROUND

Defendant Tomas Jaime and his girlfriend Angela Doe had a volatile relationship while living together in Doe's apartment. During an argument on November 13, 2013, Jaime punched Doe in the face, breaking her nose. On the ride home from the emergency room the same day, Jaime again struck Doe several times in the face, causing additional injuries to her nose.

On November 23, 2013, an argument between Jaime and Doe escalated to a physical altercation. The couple pushed each other in the hallway before Doe grabbed a paring knife from the kitchen because she feared Jaime would punch her in the face. Doe lunged at Jaime, cutting one of his fingers. Jaime grasped Doe's knife hand and twisted it behind her back, causing the paring knife to fall to the ground. Jaime grabbed a butcher knife and held it at Doe's back. Jaime then pulled Doe away from the kitchen, threw her onto the couch and struck her several times with one or both hands. Jaime took both knives into the bathroom, where he attended to his cut finger. Jaime subsequently left the apartment, and Doe telephoned the police.

Jaime was charged in an information with inflicting corporal injury to a cohabitant (Pen. Code, § 273.5, subd. (a)) and assault by means of force likely to produce great bodily injury (*id.*, § 245, subd. (a)(4)) on November 13, 2013, with special allegations he had personally inflicted great bodily injury on Doe under circumstances involving domestic violence (*id.*, § 12022.7, subd. (e)). Jaime was also charged with committing misdemeanor battery on a cohabitant (*id.*, § 243, subd. (e)(1)) on November 23, 2013. As to the felony counts, the information further specially alleged Jaime had suffered two prior serious or violent felony convictions within the meaning of the Three Strikes law (*id.*, §§ 667, subds. (b)-(i), 1170.12) and had served three separate prison terms for felonies (*id.*, § 667.5, subd. (b)). Jaime pleaded not guilty to the charges and denied the special allegations.

At trial, Jaime testified in support of his defense of self-defense that Doe had been the aggressor during both altercations. Jaime denied hitting Doe while driving home from the emergency room.

At the conclusion of the trial, the jury convicted Jaime of inflicting corporal injury on a cohabitant and found true the great bodily injury enhancement. The jury was unable to reach a verdict on the remaining counts and the court declared a mistrial as to them. They were later dismissed.

Jaime waived his right to a jury trial and admitted the prior conviction allegations. After agreeing to dismiss one of Jaime's prior strike convictions under Penal Code section 1385 and *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, 529-530, the trial court sentenced Jaime to an aggregate state prison term of 15 years, consisting of eight years (the four-year upper term doubled under the Three Strikes law) for inflicting corporal injury on a cohabitant, plus five years for the great bodily injury enhancement, plus two years for two one-year prior prison term enhancements.¹

Jaime filed a timely notice of appeal.

DISCUSSION

We appointed counsel to represent Jaime on appeal. After an examination of the record, counsel filed an opening brief raising no issues. On April 1, 2016, we advised Jaime he had 30 days to submit any contentions or issues he wanted us to consider. We have not received a response.

We have examined the record and are satisfied Jaime's appellate attorney has fully complied with the responsibilities of counsel and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.)

¹ The trial court later dismissed the third alleged prior prison term enhancement.

DISPOSITION

The judgment is affirmed.

GARNETT, J.*

We concur:

ZELON, Acting P. J.

SEGAL, J.

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.